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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,458	03/30/2001	Todd M. Altman	42390P10396	5718

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 11/04/2003

13

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 13

Application Number: 09/823,458

Filing Date: March 30, 2001

Appellant(s): ALTMAN ET AL.

**MAILED**

**NOV 04 2003**

**Technology Center 2600**

Kenneth M. Seddon  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 24, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims s 1, 3-20, and 22 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(9) Prior Art of Record**

6,353,398	AMIN ET AL.	03-2002
6,327,870	STEVENS	12/2001
5,627,549	PARK	05-1997
6,091,956	HOLLENBERG	07-2000
6,259,405	STEWART ET AL.	07-2001
6,338,085	RAMSWAMY	01-2002
6,397,040	TITMUSS ET AL.	05-2002

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. Claims 1 and 3-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US Patent NO. 6,353,398) in view of Titmuss et al. (US Patent No. 6,397,040).

**Claim 1:**

Amin et al. discloses a system, thus, a method comprising:

- a. Identifying a reference location
- b. Providing consumer information determined at least in part on a vendor's proximity to the reference location, wherein the consumer information being received by the portable communication device is filtered by user preferences.

See abstract and summary invention. Also col. 2, last paragraph and col. 4, lines 29-50.

Amin fails to disclose that the user preferences to be filtered are stored in the portable communication device. However, the concept of storing user's preference in the user

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communication device is well known in the art as taught in Titmuss et al. wherein each personal agent 6 stores its user's preference data. Col. 3, lines 13-15, col. 6, lines 29-30 and lines 57-62. Thus, it would have been obvious to one skilled to readily recognize applying such concept in the system of Titmuss because it would help to reduce irrelevant information to be delivered to the user.

Claim 3:

The consumer information in Amin et al. includes providing consumer information through a wireless communication.

Claim 4:

The identifying the reference location includes determining the current location of the user.

Claim 5:

The system in Amin et al. determines the location of a user includes determining the location of a portable communication device with GPS system.

Claim 6:

The system in Amin et al. identifies consumer information including inputting a location into a portable communication device. Col. 1 last paragraph.

Claim 7:

In Amin et al., the system requests a service in proximity to a portable communication device. Col. 3, second paragraph.

Claims 8-10:

Amin et al. infers that the system requests a service includes specifying an acceptable price for the service. Col. 4, lines 13-15.

Claim 11:

The system in Amin et al. includes a step method of requesting a service from a group consisting of food, lodging, and goods.

Claim 12:

In the Amin et al. system, the offer of service includes a service from the group consisting of food, lodging, and goods. Col. 1, lines 58-62.

Claim 13:

The Amin et al. system also transmits an offer of service to a portable communication having a reference location that is within proximity to a vendor. Col. 3, lines 2-6.

Claims 14-15:

Though it is not clearly stated that the Amin et al. system provides directions to the user from the reference point, the reference does implicitly suggests providing directions from the reference location to a vendor associated with the consumer information. Col. 2, first paragraph and also lines 18-20. It would have been obvious to one skilled in the art that the display information related to the query would be pertinent information such as directions to the vendor location so that the user will be able to find the vendor.

Claim 16:

Amin et al. discloses a system, thus, a method comprising:

- a. Determining a reference location
- b. Requesting a service from a portable communication device

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- c. Providing consumer information to the portable communication device, the consumer information determined at least in part on a vendor's proximity to the reference location, wherein the consumer information being received by the portable communication device is filtered by user preferences stored in the portable communication device.

See abstract and summary invention. Also col. 2, last paragraph and col. 4, lines 29-50.

Amin fails to disclose that the user preferences to be filtered are stored in the portable communication device. However, the concept of storing user's preference in the user communication device is well known in the art as taught in Titmuss et al. wherein each personal agent 6 stores its user's preference data. Col. 3, lines 13-15, col. 6, lines 29-30 and lines 57-62. Thus, it would have been obvious to one skilled to readily recognize applying such concept in the system of Titmuss because it would help to reduce irrelevant information to be delivered to the user.

Claim 17:

In Amin et al. requesting a service include requesting location of a gas station.

Claim 18:

The Amin et al. system identifies user preferences for the service.

Claim 19:

As discussed in claims 14-15, one skilled in the art would have recognized the desirability of providing directions from the reference location to the vendor. In addition, it would have been obvious to one skilled in the art that the reverse direction should also be provided, for instance, upon the user preference as it is conventionally known in the navigation

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art such as internet driving directions because reverse direction from a location to a reference location where the user starts from would be useful the users not familiar to the area.

Claim 20:

Amin discloses a portable communication device adapted to request a service based on the location of the portable communication device.

Amin fails to disclose that the user preferences to be filtered are stored in the portable communication device. However, the concept of storing user's preference in the user communication device is well known in the art as taught in Titmuss et al. wherein each personal agent 6 stores its user's preference data. Col. 3, lines 13-15, col. 6, lines 29-30 and lines 57-62. Thus, it would have been obvious to one skilled to readily recognize applying such concept in the system of Titmuss because it would help to reduce irrelevant information to be delivered to the user.

Claim 22:

The portable communication device is further adapted to provide directions from the location of the portable communication device to the location of the service.

**(11) Response to Argument**

Appellant's Argument:

The appellant has argued that in Amin et al. the advertisers determine what information gets pushed to the user based on a variety of factors and information is pushed to the user in connection with the movement. The appellant has further submitted that Titmuss et al. teaches a device setting information so that the user, not the system determines what information is displayed to the user. The appellant has therefore asserted that there is no motivation for one



skilled in the art to modify the Amin system with Titmuss because such modification would destroy the Amin system. The appellant has also stated that the modification of the Amin system based on the teaching of Titmuss would make the structure of Amin unsatisfactory for its intended purpose.

Response to Appellant's Argument:

The appellant's assertion that the one skilled in the art would not be motivated to modify the teaching in Amin in accordance with Titmuss because such modification would destroy the intended purpose of the information system taught in Amin is not considered to be persuasive. This is because Amin is a simple system which pushes information to a user regardless whether the information is interesting to the user or not. Titmuss teaches a system which allows a user to predefine what is to be displayed, therefore only information interested and predefined by user would be displayed to the user. The concept taught in Titmuss would be used to modify Amin, not to replace the Amin system. Therefore, by modifying the Amin system to allow the user to be able to filter out the preferred information would not destroy the Amin system. It only provides with user a capability of selecting from the PUSHED information the DESIRED information to be displayed to the user.

For instance, in the combined system of Amin et al. and Titmuss et al., information would still be pushed as disclosed in Amin; however, only those preferred and predefined by the user would be displayed to the user, for example, if the user is looking for lodging only advertisement for lodging would be displayed while other information such as gas or pharmacy would still be received in the device but not displayed.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Julie Lieu  
Primary Examiner  
Art Unit 2636

jl  
October 30, 2003

Conferees

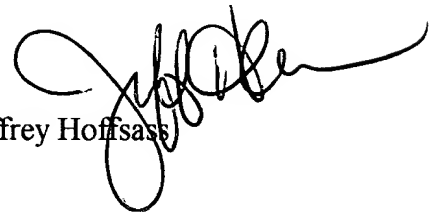


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